

USSN 09/943,925

#### REMARKS

Claims 1-7 and 9-14 are currently pending in the present application.

Applicants appreciate the brief telephone interviews of 10 and 11 September 2003 that clarified the advisory action for Applicant's attorney. On 10 September 2003, Applicants' attorney asked the Examiner to clarify the claim status on the cover sheet for the advisory action and briefly discuss the advisory action comments related to the Hoeg et al. and Kato et al. references. The 10 September 2003 telephone call concluded with scheduling a second call for 11 September 2003 to allow the Examiner to obtain the case folder before answering any questions. On 11 September 2003, the Examiner confirmed entry of Applicants' amendments after final, briefly discussed Example 71 of Hoeg et al. and listened to Applicants' attorney's proposed amendment to ensure that the coated article of Claim 1 has a coating formed from the composition of that claim as opposed to a substrate formed from that composition with a different coating such as the optical recording media of Kato et al. In addition, Applicants' attorney noted that he would submit a terminal disclaimer to overcome the obviousness rejection. The Examiner concluded the call with a reminder that the amendments were coming in after final.

Applicants amend Claim 1 to clarify that "coated article" refers to an article coated with the composition recited in Claim 1. Support for the amendment comes from the Specification at page 43, lines 17-22, page 48, lines 1-22 and Example 4 on page 52. Language similar to that found in the cited sections may also be found in the previous filings. See, e.g., Provisional Application 60/139,074 at page 9, lines 21-27; Provisional Application 60/193,313 at page 43, lines 16-22; Provisional Application 60/146,008 at claim 6 on page 64; and Application Serial No. 09/575,062 at page 43, lines 5-10, page 47, line 16 through page 48, line 8, and Example 4 (pages 51-52). As such, the amendment does not constitute new matter.

The Advisory Action comments upon Example 71 of Hoag et al. Example 71 has a nominal weight ratio of butadiene to styrene of 60:40. The actual weight ratio, based upon 24 grams of styrene (12.0 grams for the first styrene block plus 12.0 grams for the second styrene block) and 41.7 grams of butadiene is 63.47:36.53. This greatly

USSN 09/943,925

exceeds the requirement in Applicants' Claim 1 for a weight ratio of hydrogenated diene block to hydrogenated vinyl aromatic block of 40:60 or less.

Hoag et al. do provide several examples of styrene-butadiene-styrene block copolymers that have a pre-hydrogenation weight ratio of butadiene to styrene of 40:60 or less in Runs 72 through 87. Even though Runs 72-87 may meet the weight ratio requirement of Applicants' Claim 1, none of Runs 72-87 meet the molecular weight requirement of Applicants' Claim 1. Applicants invite the Examiner to consider the following Table that presents the pre-hydrogenation molecular weights calculated according to the formula that Hoag et al. present in column 6, lines 20-24 and the data from Hoag et al. Table II.

Run No.	Total Monomer Weight (grams)	n-Butyl-lithium (milliMoles )	Molecular Weight
72	52.6	0.18	292,222
73	52.5	0.17	308,824
74	52.7	0.17	310,000
75	50.2	0.22	228,181
76	50.0	0.22	227,273
77	53.1	0.33	160,909
78	54.0	0.33	163,636
79	55.3	0.33	167,576
80	54.3	0.33	164,545
81	55.3	0.20	276,500
82	50.5	0.17	297,059
83	50.0	0.17	294,118
84	54.5	0.21	259,524
85	53.9	0.21	256,667
86	54.6	0.23	237,391
87	55.1	0.23	239,565

USSN 09/943,925

Based upon data presented in the above Table, Hoag et al. do not teach or suggest preparation of vinyl aromatic-conjugated diene-vinyl aromatic block copolymers that have a pre-hydrogenation molecular weight of 30,000 to 150,000. As hydrogenation adds to a polymer's molecular weight, none of the molecular weights presented in the above table would drop into the 30,000 to 150,000 molecular weight required by Applicants in their Claim 1.


Kato et al. do, as noted by the Examiner in the Advisory Action, teach coated optical disks. The coatings are recording media, mainly inorganic materials such as tellurium or its oxides or an amorphous alloy compound of the rare earth-transition metals. They are not, as required by amended Claim 1, prepared from the composition stated in amended Claim 1.

Applicants file concurrently herewith a terminal disclaimer over three Hahnfeld patents: USP 6,376,621; USP 6,426,390; and USP 6,350,820. The double patenting rejection over a fourth Hahnfeld patent, USP 6,451,924, was withdrawn in the Final Rejection.

Applicants respectfully submit that the amendment presented herein effectively removes any basis for rejecting any of the pending claims over Kato et al. Applicants also contend that Hoeg et al. neither teach nor suggest the polymers embodied in any of the pending claims and, as such, fail to support a 35 USC 103(a) rejection of such claims. Finally, Applicants offer of the terminal disclaimer overcomes any basis for a double patenting rejection. As there are no remaining bases for rejection, and as the amendment places Claim 1 and all pending claims that depend from it in condition for allowance, Applicants respectfully request entry of the amendment and allowance of all claims at an early date.

As requested by the Examiner in the Advisory Action, Applicants enclose copies of all initialed Information Disclosure Statements.

Respectfully submitted,



Dan R. Howard  
Registration No. 30,070  
Phone: (989) 636-7494

P. O. Box 1967  
Midland, MI 48641-1967

44653A

-8-